

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action dated May 2, 2003.

Claims 1-25 are pending in the application. Claim 1 has been amended to more clearly recite a method for treating erectile dysfunction in a male patient comprising topically administering to the genitals of said patient an effective amount of L-arginine or a derivative of L-arginine sufficient to allow the male patient to develop or sustain an erection and an effective amount of an anti-oxidant. Erectile dysfunction is described in the specification, for example, at page 1, lines 16-18. Specifically, erectile dysfunction or impotence is the inability to develop and sustain an erection adequate for intercourse. Claim 1, as amended, specifically recites treatment of such erectile dysfunction.

Claims 1-6, 8-18 and 20-25 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Snyder et al. '938 in view of Chobanian et al. '847. According to the Office Action, Snyder et al. '938 discloses compositions containing arginine derivatives for the treatment of male sexual dysfunction. The Office Action acknowledges that Snyder et al. '938 does not teach the inclusion of an anti-oxidant, and relies upon Chobanian et al. '847 to supply this missing teaching. Applicants respectfully traverse this rejection.

Even if the Snyder et al. '938 and Chobanian et al. '847 references can properly be combined as proposed in the Office Action, such a combination fails to render the presently claimed invention obvious. Snyder et al. '938 discloses a treatment for a specific type of male sexual dysfunction known as "priapism" (see column 2, lines 10 and 11). As disclosed at column 3, lines 17-19 of Snyder et al. '938: "according to the present invention, priapism (a condition of painful, prolonged erections not associated with sexual arousal or desire) can be treated". The treatment relaxes or contracts the muscles of the corpus cavernosum and the urethra (see the abstract). Thus, Snyder et al. '938 is directed to the treatment of unwanted erections.

In contrast, the present invention as recited in Claim 1 is a method for treating erectile dysfunction which allows a male patient to develop or sustain an erection. The claimed method is directly contrary to the teachings of Snyder et al. '938, which seeks to reduce erections. One skilled in the art, considering the erection reduction

treatment of Snyder et al. '938, would not lead to the presently claimed method which develops or sustains an erection. Accordingly, Claim 1, and the claims that depend therefrom, are not obvious over Snyder et al. '938 alone, or in combination with the other prior art of record.

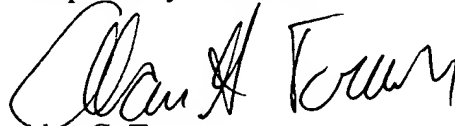
Independent Claim 13 also distinguishes over the prior art of record. As discussed above, Snyder et al. '938 relates to the treatment of unwanted erections in male patients. In contrast, Claim 13 recites a method for treating sexual dysfunction in a female patient. Female sexual dysfunction is described, for example, at page 1, lines 27-31 of Applicants' specification. The Office Action states that although Snyder et al. '938 does not teach the use of the composition for female sexual dysfunction by topical application to the clitoris, it would have been obvious to one of ordinary skill in the art to use the composition for females with a reasonable expectation of success since the clitoris is supplied with blood vessels and the principle of vasodilation is the same. Applicants respectfully traverse this rejection.

As noted above, Snyder et al. '938 seeks to reduce erections in males. One skilled in the art would not look to such an erection reduction treatment for guidance in treating female sexual dysfunction. Furthermore, even if Snyder et al. '938 could be considered analogous art, the reference specifically seeks to treat unwanted prolonged erections rather than any type of female sexual dysfunction. Accordingly, Claim 13, and the claims that depend therefrom, are not taught or suggested by Snyder et al. '938 alone, or in combination with the other prior art of record.

In view of the foregoing amendments and remarks, it is submitted that Claims 1-25 are patentable over the prior art of record. Accordingly, an early notice of allowance of this application is respectfully requested.

In the event that any outstanding matters remain in connection with this application, the Examiner is invited to telephone the undersigned at (412) 263-4340 to discuss such matters.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alan G. Towner", written in a cursive style.

Alan G. Towner

Registration No. 32,949
Pietragallo, Bosick & Gordon
One Oxford Centre, 38th Floor
301 Grant Street
Pittsburgh, PA 15219
Attorney for Applicants

(412) 263-4340